

THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                   |   |                                 |
|-------------------|---|---------------------------------|
| BENNY JOE VARGAS, | ) | CASE NO.:                       |
|                   | ) |                                 |
| Plaintiff,        | ) | Judge:                          |
|                   | ) |                                 |
| vs.               | ) | <b><u>NOTICE OF REMOVAL</u></b> |
|                   | ) |                                 |
| MENARD, INC.      | ) | Brittany H. Asmus (0095142)     |
|                   | ) | REMININGER CO., L.P.A.          |
| Defendant.        | ) | One SeaGate, Suite 1600         |
|                   | ) | Toledo, Ohio 43604              |
|                   | ) | Telephone: (419) 254-1311       |
|                   | ) | Fax: (419) 243-7830             |
|                   | ) | E-mail: basmus@reminger.com     |
|                   | ) |                                 |
|                   | ) | Counsel for Defendant           |

Now comes Defendant, Menard, Inc., by and through counsel, Reminger Co., L.P.A., and respectfully submit this Notice of Removal pursuant to Title 28 U.S.C. § 1332, § 1441 and § 1446 as follows:

1. That there was commenced and is now pending in the Court of Common Pleas for Lucas County Ohio, Case Number G-4801-CI-0202202700-000, captioned *Benny Joe Vargas vs. Menard, Inc.* A copy of the Summons and Complaint filed on or about June 16, 2022, is also attached hereto and made a part hereof as Exhibit A.

2. That this is an action at common law in a civil nature and that the amount in controversy, exclusive of interests and costs exceeds the sum of \$75,000.00.

3. That this is an action that involves a controversy between citizens of different States. Plaintiff Benny Joe Vargas is a citizen of the State of Ohio, residing at 3024 Camelot Drive, Oregon, Ohio 43616. Defendant Menard, Inc. is a corporation who is a resident of the State of Wisconsin.

4. That this is an action to which the United States District Court has been given original jurisdiction pursuant to Title 28, U.S.C. § 1332, and that notice of this removal is timely filed in this case as it is within 30 days of the date of service. Upon information and belief, service of the Summons and Complaint on Defendant occurred on June 22, 2022.

5. That written notice of the filing of this Notice of Removal will be given to all parties as required by law. A true and accurate copy of this Notice of Removal will be filed with the Clerk of Courts for the Court of Common Pleas for Lucas County, Ohio.

WHEREFORE, this action is properly removed from The Court of Common Pleas for Lucas County, Ohio to the United States District Court for the Northern District of Ohio, Western Division, for all further proceedings.

Respectfully submitted,

/s/Brittany H. Asmus

Brittany H. Asmus (0095142)

REMININGER CO., L.P.A.

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*Counsel for Defendant, Menard, Inc.,*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 20th day of July 2022, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Parties not served electronically will be served via ordinary U.S. Mail, postage prepaid.

Respectfully submitted,

/s/Brittany H. Asmus  
Brittany H. Asmus (0095142)